

1 LAW OFFICES OF CLARK GAREN  
2 CLARK GAREN (Cal. Bar No. 50564)  
3 RACHEL ZWERNEMANN (Cal. Bar No. 286515)  
4 6700 South Centinela, Third Floor  
5 Culver City, CA 90230  
6 Telephone: (310) 391-0800  
7 Facsimile: (310) 636-4771  
8 Email: clarkgaren@msn.com  
9 Email: Need Rachel's email

10 LAW OFFICE OF DAVID W. WIECHERT  
11 DAVID WIECHERT (Cal. Bar No. 94607)  
12 JESSICA C. MUNK (Cal. Bar No. 238832)  
13 115 Avenida Miramar  
14 San Clemente, California 92672  
15 Telephone: (949) 361-2822  
16 Facsimile: (949) 496-6753  
17 Email: dwiechert@aol.com  
18 Email: jessica@davidwiechertlaw.com

19 Attorneys for Defendant,  
20 Professional Collection Consultants

21 IN THE UNITED STATES DISTRICT COURT  
22 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
23 WESTERN DIVISION

24 WESTERN WORLD INSURANCE  
25 COMPANY,

26 Plaintiff,  
27 v.

28 PROFESSIONAL COLLECTION  
CONSULTANTS,

Defendant.

Case No. 2:15-cv-02342 MWF (VBKx)

**DECLARATION OF DAVID W.  
WIECHERT IN OPPOSITION TO  
WESTERN WORLD INSURANCE  
COMPANY'S MOTION FOR  
SUMMARY JUDGMENT**

Date: March 21, 2016  
Time: 10:00 a.m.  
Ctrm: 1600  
Judge: Hon. Michael W. Fitzgerald

Trial Date: November 15, 2016  
Complaint Filed: March 30, 2015  
Discovery Cut-Off: July 8, 2016

## **DECLARATION OF DAVID W. WIECHERT**

I, David W. Wiechert, declare as follows:

3       1. I am an attorney licensed to practice before all courts in the State of  
4 California and the United States District Court for the Central District of California,  
5 and my practice, the Law Offices of David W. Wiechert, has been associated in as co-  
6 counsel for Defendant Professional Collection Consultants (“PCC”). The following is  
7 based on my personal knowledge and if called as a witness, I could and would testify  
8 competently thereto.

9        2. A true and correct copy of PCC's Notice of Deposition of Person(s) Most  
10 Qualified of Plaintiff Western World Insurance Company ("Western World") and  
11 Requests for Production of Documents, is attached hereto as Exhibit "A." This was  
12 served on counsel for Western World or about February 10, 2016. As can be seen  
13 from Exhibit "A" many of the proposed topics of inquiry at the deposition and  
14 document production requests are calculated to lead to the discovery of relevant  
15 evidence pertinent to the issues raised in Western World's Motion for Summary  
16 Judgment.

17       3. A true and correct copy of the case deadlines, Docket No. 20-1, is attached  
18 hereto as Exhibit "B."

19       4. On February 18, 2016 David Evans (“Evans”), counsel for Western World  
20 sent me an email and attachment enclosing the documents provided by Western World  
21 to PCC pursuant to Rule 26. The documents do not contain, inter alia, underwriting  
22 policies or guidelines relevant to Western World’s evaluation of PCC’s February 7,  
23 2014 application (the “Application”), or relevant to the issuance of the Western World  
24 Policy to PCC. A true and correct copy of the email is attached hereto as Exhibit “C.”

25        5. On February 23, 2016 I emailed Evans about the status of the deposition.  
26 Evans replied by email that he had provided the documents in Western World's initial  
27 disclosures and I responded by email that those documents didn't encompass the

1 documents sought in the discovery requests. A true and correct copy of these emails  
2 are attached hereto as Exhibit "D."

3       6. On February 24, 2016 I received a letter from David Evans, counsel for  
4 Western World, a true and correct copy of which is attached here to as Exhibit "E".  
5 That same day I responded by email, a true and correct copy of which is attached  
6 hereto as Exhibit "F," and I telephonically met and conferred with Dave Evans about  
7 the letter. I stated that I had not received the objections referenced therein but that I  
8 assumed that Evans was asserting that the request for documents required thirty days  
9 notice. I further stated that the notice period for a PMQ deposition under Rule 30 was  
10 satisfied by over three weeks notice and therefore Western World's cancellation of the  
11 deposition was not well taken and that we would move to compel if Western World  
12 did not provide knowledgeable witnesses on March 3, 2016. Finally I stated that it  
13 was in Western World's interest to voluntarily produce the requested records since  
14 PCC needed the information to respond to Western World's Motion for Summary  
15 Judgment, and one of the bases for PCC's opposition to the motion was that discovery  
16 was incomplete. Evans stated he would consult with his client about attendance at the  
17 deposition and get back to me by February 26, 2016. I have not heard back from  
18 Evans.

19       7. Given the time and cost associated with putting together a motion to compel,  
20 and the fact that it would take as much time to get decided as it would take to set new  
21 discovery dates, PCC has decided to propound document production requests due in  
22 early April to be followed by a PMK deposition noticed for April 20, 2016. This is  
23 still many weeks before the current discovery cutoff. A true and correct copy of  
24 PCC's request for production of documents to Western World to be served on  
25 February 29, 2016, is attached hereto as Exhibit "G."

26       8. A true and correct copy of PCC's revised PMK deposition notice for April  
27 20, 2016, to be served on February 29, 2016, is attached hereto as Exhibit "H."

1 I declare under penalty of perjury under the laws of the United States that the  
2 foregoing is true and correct. Executed, in San Clemente, California on February 29,  
3 2016.

4 S/*David W. Wiechert* \_\_\_\_\_

5 DAVID W. WIECHERT

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